

GP 1617/11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
ROSENBERG et al.

Serial No. 09/037,792

Filed: March 10, 1998

For: MULTIPHASE ACTIVE INGREDIENT-CONTAINING FORMULATIONS



Art Unit: 1617

Examiner: Webman

APR 12 2000
TECH CENTER 1600/291

#11

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Honorable Commissioner of
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REQUEST FOR RECONSIDERATION

Sir:

Responsive to the Office Action mailed on November 04, 1999, applicants request favorable reconsideration of the above-identified application in the light of the following remarks.

REMARKS

Claims 5-10 and 12 have been rejected under 35 USC 102(b) as being anticipated by Choi et al. Applicants assert that the instant claims do not read on the disclosure of Choi et al., as the instant claims require that the composition comprise at least two phases prior to plasticizing, which is not seen in the Choi reference. Applicants therefore request that the rejection of claims 5-10 and 12 as anticipated by Choi et al. be withdrawn.

Claim 11 has been rejected under 35 USC 103(a) as being unpatentable over Choi

et al as applied to claims 5-10 and 12, and further in view of O'Hagen et al. Applicants assume that the examiner intended to refer to claim 10 rather than claim 11, since claim 10 is directed to the embodiment of the invention wherein a flavoring is added to the matrix phase. Applicants submit that a prima facie case of obviousness has not been established by the examiner because the Choi reference does not disclose nor suggest the claimed process, with or without the inclusion of a flavoring in the matrix phase. Therefore, the rejection under 35 USC 103(a) should be withdrawn.

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Respectfully submitted,

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